

REMARKS

Claims Amendments

Independent claim 1 has been amended to include the limitations of dependent claim 3, dependent claim 3 has been canceled as redundant, and the dependencies of claims 4-6 have been adjusted accordingly. The Examiner should note that the amendment to claim 1 does not add new matter and cannot as a matter of law necessitate a new search, as the relevant limitation was already present in the application.

Similarly, independent claims 10, 16, and 19 have been amended to include limitations similar to that present in now-canceled dependent claim 3. The Examiner should note that the amendment to these claims do not add new matter and cannot as a matter of law necessitate a new search, as the relevant limitation was already present in the application.

Claims Rejections

The Examiner rejects claims 1-13 and 15-21 under §103 as being obvious over Sennett in view of Stephanou. The Examiner further rejects claim 14 under §103 as being obvious over Sennett in view of Stephanou and further in view of Linden. Applicant requests reconsideration of the rejections.

Claims 1-9, 20

As amended, independent claim 1 requires, *inter alia*, "formulating a help request, said help request comprising context sensitive data associated with a current

status of the mobile terminal, said context sensitive data identifying an application running during said help trigger event; wherein said formulating said help request comprises determining, by said mobile terminal, an application that is active within the mobile terminal." As the Examiner acknowledges, Sennett does not teach or suggest the use of any context sensitive data that identifies an application running during the help trigger event. Nor does Sennett teach or suggest the mobile terminal determining an application that is active within the mobile terminal. As such, the Examiner now points to Stephanou in an attempt to show these aspects.

Assuming *arguendo* that Stephanou is properly combinable with Sennett, the combination simply does not teach the required limitations. Stephanou teaches that a user of a computer may manually enter a description of his/her hardware and software,¹ and a description of the problem currently being encountered, and that this text message information may be forwarded to an "expert." Plainly, the manual entry of the hardware and software description by the user does not teach or suggest "determining, by said mobile terminal, an application that is active within the mobile terminal." In addressing this limitation in now-canceled claim 3, the Examiner points to Stephanou col. 5, line 53 to col. 6, line 8, and also col. 9, lines 19-25. A review of these cited passages finds absolutely nothing about the computer that generates the help request (e.g., the computer being used by the user needing help) determining an active application in any way whatsoever. At most, the first cited passage discusses a mobile terminal of an expert *receiving a text message* about the problem; however, this is both

¹ Applicant submits that Stephanou at most identifies the operating system being employed on the computer (see col. 1, lines 34-35 listing the only examples as "Microsoft Windows, Sun products, Apple products", but never mentioning applications *per se*), not application software. Nevertheless, the argument presented herein will assume *arguendo* that Stephanou relates to *applications* for simplicity.

the wrong mobile terminal to meet the limitation of the claim and is not the mobile terminal determining anything but is instead a reflection of what the user determines. The second cited passage merely puts forth the proposition that the "experts" may be contacted via wireless means; such a proposition says nothing about the relevant mobile terminal determining anything, much less "determining [] an application that is active within the mobile terminal." Accordingly, the Examiner's reliance on the cited passages of Stephanou is misplaced. Simply stated, the cited passages of Stephanou do not support the Examiner's position; and, if the Examiner maintains this rejection, Applicant requests the Examiner to specifically quote the exact language relied on to allegedly support the Examiner's position.

In view of the above, Applicant submits that neither Sennett or Stephanou show the relevant mobile terminal "determining [] an application that is active within the mobile terminal." As such, the combination of Sennett and Stephanou relied on by the Examiner, assuming arguendo that such combination is proper, does not teach or suggest each and every limitation of independent claim 1. Accordingly, Applicant submits that independent claim 1, and its dependent claims 2, 4-9,20 define patentable subject matter over the cited art.

With further regard to dependent claim 4, this claim has been amended to clarify that the mobile terminal performs the added determining limitation, and now reads in relevant part "determining, by said mobile terminal, the application most recently accessed by a user." On this point, the Examiner points to Stephanou, col. 3, lines 38-41, which reads "customers 10,12 post the particular question or problem being encountered with their system to the ER server 16 over the network 14." Plainly, this

passage says absolutely nothing about the computer for which help is needed determining anything, much less "the application most recently accessed by a user." Thus, the Examiner's position finds no support whatsoever in the cited passage. It necessarily follows that the Examiner has therefore failed to put forth a *prima facie* case of obviousness under §103. Accordingly, Applicant submits that dependent claim 4 defines patentable subject matter over the cited art, even if independent claim 1 does not.

With further regard to dependent claim 5, this claim has been amended to clarify that the mobile terminal performs the added determining limitation, and now reads in relevant part "further comprising determining, by said mobile terminal, an application state of the application." On this point, the Examiner again points to Stephanou, col. 3, lines 38-41, and also Stephanou col. 5, lines 63-65, the later cited passage reading in total "In this instance the group may be a group of network experts, a group of experts in a particular software application, and the like." Plainly, neither passage says anything about the computer-for-which-help-is-needed determining anything, much less the "application state of the application." Thus, the Examiner's position finds does not find any support in the cited passages. It necessarily follows that the Examiner has therefore failed to put forth a *prima facie* case of obviousness under §103. Accordingly, Applicant submits that dependent claim 5 defines patentable subject matter over the cited art, even if independent claim 1 does not.

With further regard to dependent claim 9, this claim requires "wherein formulating the help request occurs after the help trigger event is detected." In addressing this point, the Examiner points to Figure 2 of Sennett and notes that step 25 occurs after the

help request is received. However, step 25 is plainly the reply to the help request supplied by the IP platform, not the formulation of the help request. See Sennett col. 4, lines 12-16 ("in response to a request, the IP platform plays a recording providing the wireless subscriber with the requested information ... at step 25."). As pointed out in the previous response, the Examiner is apparently confusing the concepts of the "help request" and the reply to the help request. Despite Applicant pointing out this logical error, the Examiner has completely failed to further explain his/her rationale, or even attempted to rebut Applicant's argument. Such is plainly contrary to the mandates of MPEP §706.07 which requires that "the Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal."

The Examiner is again requested to specifically address this issue in the next Action and to discuss this issue with his/her supervisor. In view of the above, Applicant submits that dependent claim 9 defines patentable subject matter over the cited art, even if independent claim 1 does not.

With further regard to dependent claim 20, this requires that "said context sensitive data further identifies an application state of said application identified by said context sensitive data." On this point, the Examiner again points to Stephanou col. 5, lines 63-65, and also to Stephanou col. 1, lines 30-39. However, these passages simply do not support the Examiner's position, and the resulting §103 rejection must therefore fail. For ease of reference, these passages are presented below in their entirety:

The present invention seeks to solve these problems by qualifying and establishing a large number of experts in various hardware and

software fields. For example, the present invention will solicit and store qualifications for experts in Microsoft Windows, Sun products, Apple products, and indeed, many other hardware and software products. These experts, most of whom will be independent contractors, will be directly accessible via the database of the present invention [col. 1, lines 30-39] ... In this instance the group may be a group of network experts, a group of experts in a particular software application, and the like. [col. 5, lines 63-65]

As can be seen by even a brief review, the cited passages say absolutely nothing about any sort of "application state" of any application, much less the particular application that is identified by any context sensitive data. Thus, the Examiner's position again finds no support in the cited passages. It necessarily follows that the Examiner has therefore failed to put forth a *prima facie* case of obviousness under §103. Accordingly, Applicant submits that dependent claim 20 defines patentable subject matter over the cited art, even if independent claim 1 does not.

Claims 10-15, 21

As amended, independent claim 10 requires, *inter alia*, "receiving a request for help regarding an application running on a mobile terminal; determining, by said mobile terminal, an application that is active with the mobile terminal; gathering context specific data regarding the active application, said context specific data identifying said application; sending the context specific data to a help server via an RF link." For reasons similar to those discussed above with respect to independent claim 1, Applicant submits that Sennett in combination with Stephanou, assuming *arguendo* that such combination is proper, fails to teach or suggest these limitations. Accordingly, Applicant submits that independent claim 10, and its dependent claims 11-15, 21 define patentable subject matter over the cited art.

With further regard to dependent claim 14, Applicant notes that Linden fails to provide any of the teachings missing from Sennett and Stephanou discussed above with respect to the corresponding independent claim 10; nor does the Examiner rely on Linden for any such teachings. As such, Applicant submits that dependent claim 14 defines patentable subject matter over the Sennett in combination with Stephanou and Linden, assuming *arguendo* that such combination is proper.

With further regard to dependent claim 21, attention is directed to the discussion above with respect to dependent claim 20, and specifically the text of the passages of Stephanou cited by the Examiner. Once again, as can be seen by even a brief review, the cited passages say absolutely nothing about any sort of "application state" of any application, much less the particular application that is identified by any context sensitive data. Thus, the Examiner's position on claim 21 finds no support in the cited passages. It necessarily follows that the Examiner has therefore failed to put forth a prima facie case of obviousness under §103. Accordingly, Applicant submits that dependent claim 21 defines patentable subject matter over the cited art, even if independent claim 10 does not.

Claims 16-18

As amended, independent claim 16 requires, *inter alia*, "determining, by said mobile terminal, an application running on said mobile terminal when said help request is received; collecting context specific data regarding the specific aspect of the mobile terminal, said context specific data identifying said application running on said mobile terminal when said help request is received." For reasons similar to those discussed

above with respect to independent claim 1, Applicant submits that Sennett in combination with Stephanou fails to teach or suggest these limitations, assuming *arguendo* that such combination is proper. Accordingly, Applicant submits that independent claim 16, and its dependent claims 17-18, define patentable subject matter over the cited art.

Claim 19

As amended, independent claim 19 requires, *inter alia*, "formulating a help request, said help request comprising context sensitive data associated with a current status of the mobile terminal; determining, by said mobile terminal, an application running on said mobile terminal when said help request is received; said context sensitive data identifying an application running when said request for help is received." For reasons similar to those discussed above with respect to independent claim 1, Applicant submits that Sennett in combination with Stephanou fails to teach or suggest these limitations, assuming *arguendo* that such combination is proper. Accordingly, Applicant submits that independent claim 19 defines patentable subject matter over the cited art.

Respectfully submitted,
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